IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3770 OF 2007

Altafhusein Ibrahim Shikalgar ...Petitioner

Versus

Julekhanbi Ibrahim Shikalgar & Anr. ...Respondents

.....

Ms.Prabha Badadare i/b Mr.P.R.Arjunwadkar for Petitioner.

None for Respondents.

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CORAM: A.M.KHANWILKAR, J.

JULY 6, 2007.

P.C.

1. No interference is warranted against the discretionary order passed by the Court below. The lower Court has already kept all issues on merits open for consideration. That sufficiently protects the interest of the Petitioner.

2. Assuming the Appeal filed by the Respondent No.1 was to succeed, it will be open to the Petitioner to argue before this Court, if any

case of prejudice in the conduct of the proceedings having been caused to the Petitioner, is made out.

3. Petition disposed of on the above terms.

A.M.KHANWILKAR, J.